

Exhibit B

A508ED2
ALLEN SHUSTER FEBRUARY 15, 2012

SUPERIOR COURT OF CALIFORNIA

COUNTY OF ALMEDA

-----X

JANE DOE, No. HG11558324

Plaintiff,

-v-

THE WATCHTOWER BIBLE AND TRACT

SOCIETY OF NEW YORK, INC., a

corporation, et al.,

Defendants.

-----X

VIDEO DEPOSITION

OF

ALLEN SHUSTER

PATTERSON, NEW YORK

FEBRUARY 15, 2012

10:01 A.M.

ATKINSON-BAKER, INC.
COURT REPORTERS
(800) 288-3376
www.depo.com

Nancy Anne Flynn, RPR
FILE NO.: A508ED2

A508ED2

ALLEN SHUSTER

FEBRUARY 15, 2012

1	Allen Shuster		1	Allen Shuster	
2	MR. MCCABE: James McCabe, for the North	10:02	2	A I don't understand your question. You	10:04
3	Congregation of Freemont, California.	10:02	3	mean the victim?	10:04
4	MR. MCNAMARA: Francis McNamara, General	10:02	4	Q Yes, was the individual who brought that	10:04
5	Counsel, Watchtower New York.	10:02	5	lawsuit claiming to be a victim of childhood sexual	10:04
6	ALLEN SHUSTER,	10:02	6	abuse within the Jehovah's Witnesses organization?	10:04
7	having been duly sworn by a Notary	10:02	7	A Yes.	10:04
8	Public in and for the State of New York	10:02	8	Q Do you remember the name of the attorney	10:04
9	Testified as follows:	10:02	9	who represented that victim?	10:04
10	EXAMINATION	10:02	10	A I do not.	10:04
11	BY MR. SIMONS:	10:02	11	Q Today I'm going to be asking you some	10:04
12	Q Please state your full name.	10:02	12	questions and if I ask you any question that you	10:04
13	A Allen Eugene Shuster.	10:02	13	don't understand, as you just did earlier, just tell	10:05
14	Q Mr. Shuster, my name is Rick Simons, we	10:02	14	me that you are not sure of the question and I will	10:05
15	met earlier and we are here today for your	10:02	15	rephrase it or otherwise make it clear to you, all	10:05
16	deposition. Have you ever had your deposition taken	10:02	16	right?	10:05
17	before?	10:02	17	A Yes.	10:05
18	A Yes, I have.	10:02	18	Q And as you have been doing so far, your	10:05
19	Q Approximately how many times?	10:02	19	answers have to be out loud even though we're on	10:05
20	A Once.	10:02	20	videotape, the court reporter needs to be able to	10:05
21	Q Was that in connection with official	10:02	21	take down a verbal audible response. Is that	10:05
22	duties or capacities that you hold with the	10:02	22	understood?	10:05
23	Jehovah's Witnesses and Watchtower, New York?	10:03	23	A Yes, understood.	10:05
24	A Yes, it was.	10:03	24	Q And lastly, even though in normal	10:05
25	Q How long ago was that deposition?	10:03	25	conversation we might go back and forth, in a	10:05
Page 6			Page 8		
1	Allen Shuster		1	Allen Shuster	
2	A Approximately a year and a half.	10:03	2	deposition format it's important that we only speak	10:05
3	Q And did it involve policies or procedures	10:03	3	one at a time as the court reporter can only follow	10:05
4	or other matters related to issues of childhood	10:03	4	one of us at a time. So even if you know where my	10:05
5	sexual abuse?	10:03	5	question is going, allow me to finish, and I promise	10:05
6	A Yes, it did.	10:03	6	to do so eventually, and I will also do my best not	10:05
7	Q Was it a deposition taken with regard to	10:03	7	to interrupt your answers, okay?	10:05
8	an action pending in the State of New York?	10:03	8	A Okay.	10:05
9	A No.	10:03	9	Q Before the deposition began, counsel and	10:05
10	Q What state was the action pending in	10:03	10	I spoke about your role here today. Your deposition	10:06
11	which your previous deposition was taken?	10:03	11	is being taken in response to our Notice for your	10:06
12	A My best recollection is Florida.	10:03	12	deposition as an individual, and then in addition,	10:06
13	Q Do you remember the name of the attorneys	10:03	13	you have been designated as the person most	10:06
14	involved?	10:03	14	qualified to testify with regard to certain issues	10:06
15	A Yes. Mario Moreno and Calvin Rouse.	10:03	15	that have been the subject of Deposition Notices for	10:06
16	Q Did one of those attorneys represent the	10:03	16	the Watchtower Bible and Tract Society of New York,	10:06
17	individual who had brought an action against	10:04	17	Inc.	10:06
18	Watchtower of New York or other related entities of	10:04	18	So I think with counsel's kind	10:06
19	Jehovah's Witnesses?	10:04	19	permission, I will go through the Deposition Notices	10:06
20	A I don't think so.	10:04	20	and just clarify which categories you will be	10:06
21	Q Was the action one in which the	10:04	21	testifying as the representative of the Watchtower	10:06
22	individual who had brought the action had done so	10:04	22	New York, Inc.	10:06
23	claiming damages for childhood sexual abuse	10:04	23	And that would include for the	10:06
24	experience as claimed at least, to have arisen out	10:04	24	February 15, 2012 1:00 P.M. Deposition Notice, the	10:07
25	of Jehovah's Witnesses activities?	10:04	25	matters related to the August 1st, 1995	10:07
Page 7			Page 9		

3 (Pages 6 to 9)

A508ED2

ALLEN SHUSTER

FEBRUARY 15, 2012

1	Allen Shuster		1	Allen Shuster	
2	Body-of-Elder letter, categories one and two in that	10:07	2	MR. SIMONS: And category six is also	10:09
3	Notice. Am I correct in that, Counsel?	10:07	3	included?	10:09
4	MR. SCHNACK: Yes, they are identified as	10:07	4	MR. SCHNACK: Yes, subject to the	10:09
5	topics one and two in that Deposition Notice.	10:07	5	objections.	10:10
6	MR. SIMONS: All right. So I will, again	10:07	6	MR. SIMONS: And for the record, counsel	10:10
7	with everyone's permission, attach that	10:07	7	and I have exchanged both correspondence and	10:10
8	Deposition Notice as Exhibit 1 to your	10:07	8	discussions with regard to the nature and	10:10
9	deposition, Mr. Shuster.	10:07	9	extent of objections to all of these Deposition	10:10
10	(Deposition Notice February 15, 2012	10:07	10	Notices which we will not burden the record	10:10
11	1:00 P.M. was marked as Deposition	10:07	11	with at this time, but are certainly	10:10
12	Exhibit Number 1 for identification.)	10:07	12	acknowledged.	10:10
13	Q Similarly, you will be the designated	10:08	13	And then as to category seven, that is	10:10
14	representative to testify as to the correspondence	10:08	14	also within Mr. Shuster's purview.	10:10
15	of December 3rd, 1993 and the matters of policy	10:08	15	MR. SCHNACK: In part, to the extent it	10:10
16	related to that, again from the February 15, 2012	10:08	16	relates to what happens in the service	10:10
17	1:30 Deposition Notice. Am I correct in that as	10:08	17	department, yes. Otherwise, again, to the	10:10
18	well?	10:08	18	extent it involves the legal department that's	10:10
19	MR. SCHNACK: Yes.	10:08	19	going to be off limits. But we will have a PMK	10:10
20	MR. SIMONS: Let me mark that as Exhibit	10:08	20	from the legal department here later today or	10:10
21	2 then.	10:08	21	tomorrow, depending on when you get to it.	10:10
22	(Deposition Notice February 15, 2012	10:08	22	MR. SIMONS: Very good. So let me mark	10:10
23	1:30 P.M. was marked as Deposition	10:08	23	this Deposition Notice as Exhibit 3 then.	10:10
24	Exhibit Number 2 for identification.)	10:08	24	(Deposition Notice was marked as	10:10
25	Q Then additionally, certain of the	10:08	25	Deposition Exhibit Number 3 for	10:10
Page 10			Page 12		
1	Allen Shuster		1	Allen Shuster	
2	categories designated in the Deposition Notice for	10:08	2	identification.)	10:10
3	February 16 at 10:30 will be within your purview,	10:08	3	Q Mr. Shuster, do you have an official job	10:11
4	which I understand generally to be category one,	10:09	4	title at present?	10:11
5	Corporate administrative structure, category two,	10:09	5	A Yes, I do.	10:11
6	Managerial staff functions. But not as to the legal	10:09	6	Q What is that?	10:11
7	department?	10:09	7	A Assistant overseer of the service	10:11
8	MR. SCHNACK: Yes, topic two only as to	10:09	8	department.	10:11
9	the legal department, so that would not be	10:09	9	Q To whom do you report as your supervisor?	10:11
10	Mr. Shuster.	10:09	10	A The overseer of the service department.	10:11
11	MR. SIMONS: And topic three, the service	10:09	11	Q And who is that at present?	10:11
12	department, would include Mr. Shuster's subject	10:09	12	A His name a Gary Breaux.	10:11
13	matter; is that correct?	10:09	13	Q Who in turned does Mr. Breaux report to?	10:11
14	MR. SCHNACK: Yes.	10:09	14	A It's called the branch committee.	10:11
15	MR. SIMONS: And then number four we've	10:09	15	MR. SCHNACK: Talking about currently?	10:11
16	had considerable discussion back and forth, and	10:09	16	MR. SIMONS: Yes.	10:11
17	there's a number of objections.	10:09	17	Q What is the branch committee?	10:11
18	MR. SCHNACK: I'll allow you to ask	10:09	18	A It's made up of twelve elders that	10:11
19	questions on that and then we can address it	10:09	19	represent the United States branch territory among	10:12
20	further if we need to.	10:09	20	Jehovah's Witnesses.	10:12
21	MR. SIMONS: To the extent that questions	10:09	21	Q Are there twelve separate territories	10:12
22	are permitted that category four will be	10:09	22	within the United States or is it twelve elders who	10:12
23	included then. And category five is also	10:09	23	represent the territory of the United States?	10:12
24	included; am I right?	10:09	24	A Twelve elders who represent the	10:12
25	MR. SCHNACK: Yes.	10:09	25	territories of the United States.	10:12
Page 11			Page 13		

4 (Pages 10 to 13)

A508ED2

ALLEN SHUSTER

FEBRUARY 15, 2012

1	Allen Shuster		1	Allen Shuster	
2	Q As assistant overseer, what are your	10:12	2	Q As part of the service department	10:15
3	general duties and responsibilities?	10:12	3	currently, are you within the Watchtower Bible and	10:15
4	A We have within the department several	10:12	4	Tract Society of New York, Inc.?	10:15
5	desks. We have a number of desks. I work with the	10:12	5	A No,	10:15
6	various schools that Jehovah's Witnesses conduct	10:12	6	Q Is the service department presently	10:15
7	throughout the United States.	10:12	7	operated through the Christian Congregation of	10:15
8	We have a program of constructing Kingdom	10:12	8	Jehovah's Witnesses?	10:15
9	Halls and Assembly Halls throughout the branch	10:12	9	A Yes.	10:16
10	territory. I oversee that. I also oversee the desk	10:12	10	Q Has that been true since 2001?	10:16
11	that distributes convention assignments for our	10:13	11	A That's correct.	10:16
12	district conventions.	10:13	12	Q Is there currently a line of	10:16
13	Q How long have you held this position?	10:13	13	communication -- actually let me rephrase that.	10:16
14	A The position of overseeing certain	10:13	14	Is there currently a line of authority	10:16
15	aspects of this work, for probably eleven years.	10:13	15	between Watchtower Bible and Tract Society of New	10:16
16	Q And prior to holding the position of	10:13	16	York and Christian Congregation of Jehovah's	10:16
17	assistant overseer, what was your previous	10:13	17	Witnesses?	10:16
18	assignment?	10:13	18	MR. SCHNACK: I am going to object to the	10:16
19	A I worked as what is called a contact	10:13	19	form of the question. I don't know what you	10:16
20	within the service department.	10:13	20	mean by line of authority between those two	10:16
21	Q What is a contact?	10:13	21	entities.	10:16
22	A Contact is an elder who consults or is	10:13	22	You can answer if you can.	10:16
23	consulted with by a number of different elders	10:13	23	MR. SIMONS: I think your objection is	10:16
24	within the department.	10:13	24	well taken. It's not well phrased.	10:16
25	Q Have you been an elder since 1979?	10:13	25	Q Do any persons holding positions within	10:16
Page 14			Page 16		
1	Allen Shuster		1	Allen Shuster	
2	A Yes.	10:14	2	Watchtower Bible and Tract Society of New York	10:16
3	Q How long have you been performing	10:14	3	exercise supervisory authority over your service	10:16
4	services and duties here at the national	10:14	4	department within Christian Congregation?	10:16
5	headquarters?	10:14	5	A When you say exercise authority, can you	10:17
6	A Since '76, 1976.	10:14	6	put that in context, what do you mean by exercise	10:17
7	Q Have you served as an elder in a	10:14	7	authority?	10:17
8	congregation?	10:14	8	Q Are persons who are serving within	10:17
9	A Yes, I have.	10:14	9	Watchtower Bible and Tract Society New York, Inc.	10:17
10	Q Where was that congregation or those	10:14	10	presently holding authority to implement or impose	10:17
11	congregations located?	10:14	11	policies, procedures or decisions upon Christian	10:17
12	A In New York City.	10:14	12	Congregation of Jehovah's Witnesses?	10:17
13	Q What was the time frame of your service	10:14	13	A I believe so.	10:17
14	in that regard as an elder in a congregation?	10:14	14	Q And tell me what your understanding is of	10:17
15	A I stated from 1979 until transferring up	10:14	15	the relationship between those two entities?	10:17
16	here to Patterson, so that would have been in one	10:14	16	A I mentioned earlier that there is a	10:17
17	congregation from 1979 to 1995, and then from 1995	10:14	17	branch committee. I do believe some of those	10:17
18	to the present here at Patterson.	10:15	18	members of the branch committee are members of the	10:17
19	Q Is your position a compensated position?	10:15	19	New York corporation.	10:17
20	A No, it is not.	10:15	20	Q What is the general role of the branch	10:18
21	Q Are you in your own mind, not asking for	10:15	21	committee?	10:18
22	a legal conclusion, but in your own mind do you work	10:15	22	A They oversee the spiritual activities as	10:18
23	as an employee of one of the Jehovah's Witnesses	10:15	23	well as the administering of the properties at the	10:18
24	entities?	10:15	24	three complexes here in New York State.	10:18
25	A No, I do not.	10:15	25	Q Is the service committee one of multiple	10:18
Page 15			Page 17		

5 (Pages 14 to 17)

A508ED2

ALLEN SHUSTER

FEBRUARY 15, 2012

1	Allen Shuster		1	Allen Shuster	
2	committees within the branch committee?	10:18	2	branch committee guidelines.	10:21
3	A When you say service committee?	10:18	3	Q Is that series of guidelines applicable	10:21
4	Q The service department.	10:18	4	to the service department of the Christian	10:21
5	A The service department. Your question	10:18	5	Congregation?	10:21
6	again?	10:18	6	A Parts of it are.	10:21
7	Q Is that one of multiple departments or	10:18	7	Q What other areas -- well, let me ask you,	10:21
8	entities within the branch committee?	10:18	8	have you ever seen the branch committee guidelines?	10:21
9	A It is one of a number of departments that	10:18	9	A Yes.	10:22
10	the branch committee has oversight of.	10:18	10	Q And do you use it daily in your, or at	10:22
11	Q And speaking in terms of the composition	10:18	11	least from time to time, in your work?	10:22
12	of the branch committee, how large a committee is	10:18	12	A From time to time.	10:22
13	it?	10:19	13	Q What are the general subject matters	10:22
14	A Twelve members.	10:19	14	covered under the branch committee guidelines?	10:22
15	Q And how are its members selected?	10:19	15	A Matters having to do with branch	10:22
16	A It's, I'm not privy to the deliberations	10:19	16	facilities, branch personnel, the managing of the	10:22
17	of the branch committee, so I'm not sure I can	10:19	17	spiritual activities within a specific branch or	10:22
18	answer that.	10:19	18	branch territory. Just general operation	10:22
19	Q And not asking as to any individual who	10:19	19	guidelines.	10:22
20	might have been appointed to the branch committee,	10:19	20	Q Are the branch committee guidelines the	10:22
21	but generally just speaking procedurally, how are	10:19	21	same for every branch throughout the world or are	10:22
22	branch committee members selected, by what authority	10:19	22	there separate branch committee guidelines for	10:23
23	or process?	10:19	23	different geographical areas?	10:23
24	A Members of the branch committee	10:19	24	A Same throughout the world.	10:23
25	collectively, I should say the collective branch	10:19	25	Q Are the contents of the branch committee	10:23
Page 18			Page 20		
1	Allen Shuster		1	Allen Shuster	
2	committee, makes recommendations as to who should be	10:19	2	guidelines approved by the governing body?	10:23
3	added in the case of deaths. And so those	10:19	3	A Yes.	10:23
4	recommendations are made to the governing body of	10:20	4	Q And would those branch committee	10:23
5	Jehovah's Witnesses.	10:20	5	guidelines apply to the Bible and Tract Society of	10:23
6	Q And what is the governing body within the	10:20	6	New York, Inc.?	10:23
7	administrative structure? I'm not asking for	10:20	7	A I guess my question would be, when you --	10:23
8	spiritual or theological information here, I'm	10:20	8	can you say that one more time?	10:23
9	really look administratively, what is the governing	10:20	9	Q Yes.	10:23
10	body?	10:20	10	A I want to make sure I have the question	10:23
11	A The governing body is a committee that	10:20	11	correct.	10:23
12	oversees the worldwide activity of Jehovah's	10:20	12	Q Do the branch committee guidelines apply	10:23
13	Witnesses.	10:20	13	to the entities within the Watchtower Bible and	10:23
14	Q Does the branch committee have any sort	10:20	14	Tract Society of New York, Inc., the divisions I	10:23
15	of written policies, procedures that it follows?	10:20	15	should say?	10:23
16	A Yes.	10:20	16	A I would think so.	10:23
17	Q Is there some form of either a manual or	10:20	17	Q Do they also apply to the Christian	10:23
18	other documentary compilation that the branch	10:21	18	Congregation?	10:24
19	committee is guided by in its work?	10:21	19	A Yes.	10:24
20	A Yes.	10:21	20	Q I know there are other entities such as	10:24
21	Q What is that called?	10:21	21	Watchtower of Pennsylvania. Would the branch	10:24
22	A It's called branch organization.	10:21	22	committee guidelines apply to these other entities	10:24
23	Q And is that, is the appropriate term a	10:21	23	as well?	10:24
24	manual or would it be some other term?	10:21	24	A Yes.	10:24
25	A I think the terminology is guidelines,	10:21	25	Q Other than the service department, what	10:24
Page 19			Page 21		

6 (Pages 18 to 21)

A508ED2

ALLEN SHUSTER

FEBRUARY 15, 2012

1	Allen Shuster		1	Allen Shuster	
2	are the other departments that have existed both --	10:24	2	A When you say Declarations, you mean?	10:28
3	well, let me break this down actually, I'm sorry.	10:24	3	Q Affidavits, Declarations, documents of	10:28
4	Prior to the formation of Christian	10:24	4	this kind in which there is a series of information	10:28
5	Congregation, going back to Watchtower of New York,	10:24	5	followed by your signature, and on court related	10:29
6	what were the various departments within Watchtower	10:25	6	paperwork?	10:29
7	of New York prior to 2001?	10:25	7	A Yes.	10:29
8	A I don't know that I can name them all. I	10:25	8	Q Do you have an estimate as to how many	10:29
9	know the service department came under the direction	10:25	9	times that you have executed some sort of Affidavit	10:29
10	of Watchtower Corporation of New York. I know	10:25	10	or Declaration for a court proceeding?	10:29
11	certain other departments did. I can't say with	10:25	11	A I'd have to give you a rough estimate, my	10:29
12	certainty I know.	10:25	12	guess is four or five times.	10:29
13	Q All right. We talked about the legal	10:25	13	Q The case that this Affidavit pertains to	10:29
14	department earlier. Recognizing that you are not	10:25	14	that we're here today involves childhood sexual	10:29
15	here in that capacity, but do you know of your own	10:25	15	abuse claims and allegations. In the other matters	10:29
16	knowledge whether or not the legal department prior	10:25	16	in which you have provided an Affidavit, has the	10:29
17	to 2001 was operated through the Watchtower Bible	10:25	17	subject matter of those cases, to your knowledge,	10:29
18	and Tract Society of New York, Inc.?	10:25	18	also involved childhood sexual abuse claims?	10:29
19	A I don't know.	10:25	19	A Just the one that you referenced earlier,	10:29
20	MR. SCHNACK: I can tell you it was,	10:26	20	I referenced earlier.	10:30
21	Rick.	10:26	21	Q In Florida?	10:30
22	MR. SIMONS: It was? Okay.	10:26	22	A In Florida.	10:30
23	MR. SCHNACK: And it still is.	10:26	23	Q Are you aware of a case in San Diego	10:30
24	Q In your work in the service department,	10:26	24	County in California?	10:30
25	if you have a question that involves legal issues	10:26	25	A Yes, my mistake.	10:30
Page 22			Page 24		
1	Allen Shuster		1	Allen Shuster	
2	presently, do you go to the legal department of	10:26	2	Q So that would qualify as well?	10:30
3	Watchtower New York or do you have a separate legal	10:26	3	A Yes, that would be another one.	10:30
4	department within Christian Congregation?	10:26	4	Q Any others that come to mind?	10:30
5	A The legal department here at Patterson.	10:26	5	A I don't want to make a mistake here. I	10:30
6	Q Is that Watchtower New York?	10:26	6	don't think so.	10:30
7	A As Rick has stated it is -- I'm sorry,	10:26	7	Q Turning to page 3 of your Affidavit,	10:30
8	Bob.	10:26	8	paragraph 7, Jehovah's Witnesses who serve as	10:30
9	MR. SIMONS: Let me mark as our exhibit	10:27	9	appointed elders are recognized as ordained	10:30
10	next in order a document called Affidavit of	10:27	10	ministers and congregation elders. If you could	10:30
11	Allen Shuster (handing).	10:27	11	assist me, is there a distinction between ordained	10:30
12	(August 11, 2011 Affidavit of Allen	10:28	12	ministers and congregation elders, as you are using	10:31
13	Shuster was marked as Deposition Exhibit	10:28	13	it in this paragraph?	10:31
14	Number 4 for identification.)	10:28	14	A No, there is not.	10:31
15	Q First of all, turning to the last page of	10:28	15	Q Looking down at paragraph 10,	10:31
16	this document, page 8, is that your signature after	10:28	16	"Congregation Elders are expected to keep confession	10:31
17	the August 11, 2011 date?	10:28	17	and other spiritual communications confidential."	10:31
18	A Yes.	10:28	18	Is there a written definition, to your knowledge, in	10:31
19	Q And this Affidavit was prepared and	10:28	19	any of the materials that you reference in your work	10:31
20	submitted in connection with the litigation of the	10:28	20	or have been familiar with in your work, as to what	10:31
21	case we are here for today; is that correct?	10:28	21	constitutes a spiritual confidential communication?	10:31
22	A Yes.	10:28	22	MR. SCHNACK: I'm sorry, you're asking if	10:31
23	Q From time to time, have your duties and	10:28	23	there is a written definition of that?	10:32
24	responsibilities included participating and	10:28	24	MR. SIMONS: Yes, of what is a spiritual	10:32
25	providing Declarations in various lawsuits?	10:28	25	confidential communication.	10:32
Page 23			Page 25		

7 (Pages 22 to 25)

A508ED2

ALLEN SHUSTER

FEBRUARY 15, 2012

1	Allen Shuster		1	Allen Shuster	
2	would lead you to another and to whom it would lead	10:37	2	regular basis.	10:40
3	you?	10:37	3	Q In your capacity within the service	10:41
4	A Um-hm. Well, I serve as an elder, I	10:37	4	department do you have the discretion to overrule,	10:41
5	mentioned since 1979 in various congregations, so in	10:37	5	if you will, legal advice you receive from the legal	10:41
6	the role of an elder within the local congregation,	10:37	6	department of Watchtower New York?	10:41
7	it's made up of a number of elders, varying numbers	10:38	7	A Do we have the authority to overrule?	10:41
8	of elders within a body in a local congregation.	10:38	8	Again I think it depends on the context.	10:41
9	So if it's in regard to the issue I	10:38	9	Q With regard to the question -- I'm sorry	10:41
10	referred to earlier where a woman may confess	10:38	10	because my question was overbroad, but let me	10:41
11	adultery, then I would consult with another elder in	10:38	11	narrow. On the question of whether an individual's	10:41
12	those matters. We would regard that as	10:38	12	communication is deemed confidential or not?	10:41
13	confidential.	10:38	13	MR. SCHNACK: I am going to object to the	10:41
14	Q How about if the subject matter was not	10:38	14	form of the question. It seems to me you're	10:41
15	one which was clear to you as to whether it is	10:38	15	commingling legal issues and spiritual issues.	10:41
16	spiritual and confidential or not, and you wanted	10:38	16	I'm not sure the church does that.	10:41
17	further insight from someone else on that in	10:38	17	But to the extent you can respond, go	10:41
18	addition to your own experience, to whom would you	10:38	18	ahead.	10:41
19	go for guidance on that?	10:38	19	A I think in response to what Bob is	10:41
20	A Talking about spiritual matters?	10:38	20	saying, anything that's confidential is not always	10:41
21	Q Well, about the issue of whether or not a	10:38	21	spiritual. Something that's spiritual is not always	10:42
22	communication is a spiritual communication as	10:39	22	confidential. So I don't think we can draw a	10:42
23	opposed to one that is not?	10:39	23	parallel because if they are synonymous. But again,	10:42
24	A As an elder in a local congregation I	10:39	24	your question?	10:42
25	would consult with other elders.	10:39	25	Q Thank you for that clarification. With	10:42
Page 30			Page 32		
1	Allen Shuster		1	Allen Shuster	
2	Q How about in your capacity here as an	10:39	2	regard to whether or not a communication is	10:42
3	assistant overseer in the service department?	10:39	3	confidential, are you given the authority to make	10:42
4	A I would consult with elders here in the	10:39	4	that determination in a situation where the legal	10:42
5	service department.	10:39	5	department has given you an opinion as to that? Can	10:42
6	Q Is there someone within the	10:39	6	you determine it to be different than the legal	10:42
7	administrative structure of the organizations who is	10:39	7	department's opinion?	10:42
8	the final arbiter of whether a specific type of	10:39	8	A Do you mean me personally or as a	10:42
9	communication is to be deemed spiritual and	10:39	9	department?	10:42
10	confidential or not?	10:39	10	Q You as an assistant overseer in your	10:42
11	A I believe it depends on the nature of the	10:39	11	official capacity.	10:43
12	spiritual confidential question.	10:39	12	A Again, I think it's a judgment matter,	10:43
13	Q And can you explain that for me?	10:40	13	there are some things that are given in the way of	10:43
14	A There are some issues, some questions	10:40	14	advice and it is just that, advice. There are other	10:43
15	that are raised that I can freely discuss with my	10:40	15	things that are presented from the legal department	10:43
16	peers within the department, and based on a	10:40	16	that I personally would not want to take it on	10:43
17	discussion a determination can be made as to whether	10:40	17	myself to make that decision to overrule the good	10:43
18	we have the authority to make a decision. In other	10:40	18	advice that we regularly get from our legal counsel.	10:43
19	cases not.	10:40	19	Q Going back to the time period before 2001	10:43
20	Q Are there situations in your experience	10:40	20	when the service department was within Watchtower	10:43
21	when the question of whether or not a communication	10:40	21	New York, were the respective roles that we have	10:43
22	is a confidential communication you have turned to	10:40	22	been discussing between the service department and	10:43
23	the legal department for determination of that	10:40	23	the legal department the same but just kept within	10:43
24	issue?	10:40	24	the one organization structure?	10:43
25	A We have gotten legal advice, yes, on a	10:40	25	A A little confusing question.	10:43
Page 31			Page 33		

9 (Pages 30 to 33)

A508ED2

ALLEN SHUSTER

FEBRUARY 15, 2012

1	Allen Shuster		1	Allen Shuster	
2	Q All right. Prior to 2001, was the	10:43	2	Q Yes.	10:47
3	service department in terms of its authority and	10:44	3	A They are regarded as confidential.	10:47
4	role the same as it is now within the Christian	10:44	4	Q Is the basis of that determination one	10:47
5	Congregation?	10:44	5	that is contained in writings of some kind?	10:47
6	A You mean the difference between when the	10:44	6	A You mean in the sense of guidelines or	10:47
7	service department was working as the New York	10:44	7	direction or memoranda?	10:47
8	corporation and since 2001 under Christian	10:44	8	Q Yes, any of those.	10:47
9	Congregation.	10:44	9	A Over the years I worked in the service	10:47
10	Q Yes.	10:44	10	department, which is some 31 years, I am certain	10:47
11	A Essentially the same.	10:44	11	that there have been references made on occasion	10:48
12	Q And was the nature of the relationship	10:44	12	that matters should be kept confidential. I cannot	10:48
13	between the legal department and service department	10:44	13	tell you an exact date of a memorandum.	10:48
14	the same before 2001 as it is at present?	10:44	14	MR. SIMONS: Let me mark the letter of	10:48
15	A When you say relationship, you mean --	10:44	15	July 1st, 1989 as the next exhibit.	10:48
16	Q In terms of the nature of the issues that	10:44	16	(July 1, 1989 letter was marked as	10:49
17	would be brought to the legal department and the	10:45	17	Deposition Exhibit Number 5 for	10:49
18	consequences of information that would come back	10:45	18	identification.)	10:49
19	from the legal department to the service department?	10:45	19	Q This is a somewhat lengthy document. The	10:49
20	A Yes.	10:45	20	portions that I am going to ask you about I've	10:49
21	Q Are reports or communications received	10:45	21	highlighted. That will maybe assist you in focusing	10:49
22	from a congregation member that may include a report	10:45	22	on this.	10:49
23	of suspected childhood sexual abuse by a different	10:45	23	MR. SCHNACK: You want him to read	10:49
24	member than the reporter, are those communications	10:45	24	through it or do you want to just start asking	10:50
25	deemed to be confidential within the service	10:45	25	questions?	10:50
Page 34			Page 36		
1	Allen Shuster		1	Allen Shuster	
2	department?	10:45	2	MR. SIMONS: If he wants to read through	10:50
3	A When you say a different, a different	10:46	3	it I don't want to interrupt him.	10:50
4	person as opposed to the victim?	10:46	4	MR. SCHNACK: It's up to you how you want	10:50
5	Q Correct, an individual member of the	10:46	5	to conduct the deposition.	10:50
6	congregation makes a report to an elder of suspicion	10:46	6	Q Have you seen this letter of July 1st,	10:50
7	of sexual abuse of a child by a different	10:46	7	1989 before?	10:50
8	congregation member, is that communication deemed to	10:46	8	A Yes.	10:50
9	be confidential?	10:46	9	Q When do you recall first being aware of	10:50
10	MR. SCHNACK: Are you talking about	10:46	10	this letter?	10:50
11	outside of the service department at this	10:46	11	A Shortly before July 1st, 1989.	10:50
12	point?	10:46	12	Q Did you participate at all in the	10:50
13	MR. SIMONS: No, within the service	10:46	13	drafting of this letter?	10:50
14	department.	10:46	14	A I'm not certain.	10:51
15	MR. SCHNACK: Okay, because the question	10:46	15	Q Do you know any of the individuals who	10:51
16	didn't include that. Why don't you rephrase it	10:46	16	participated in the drafting of this letter?	10:51
17	so we're certain what you are asking.	10:46	17	A I don't think I could name someone	10:51
18	Q Within the service department's	10:46	18	specific.	10:51
19	implementation of its policies and role, are	10:46	19	Q Is this what is known as a Body of Elder	10:51
20	communications by a member of a congregation to an	10:46	20	letter?	10:51
21	elder which report suspected childhood sexual abuse	10:46	21	A Yes.	10:51
22	by a different member of that congregation, are	10:47	22	Q Is the content of this letter, Exhibit 5,	10:51
23	those communications deemed to be confidential?	10:47	23	one that requires the approval of anyone within the	10:51
24	A Within the context of the work that is	10:47	24	Jehovah's Witnesses organization before it can be	10:51
25	done within the service department?	10:47	25	circulated to elders throughout the United States?	10:52
Page 35			Page 37		

10 (Pages 34 to 37)

A508ED2

ALLEN SHUSTER

FEBRUARY 15, 2012

1	Allen Shuster		1	Allen Shuster	
2	A Yes.	10:52	2	member does not confess to having committed sexual	11:02
3	Q What approval or approvals, if there is	10:52	3	abuse of a child in response to an accusation, is	11:02
4	more than one, must be made before a Body of Elder	10:52	4	there a method, an administrative method, in which	11:03
5	letter such as this could be circulated, at the time	10:52	5	the truth of the accusation can be determined?	11:03
6	frame we're talking about, July 1st, '89?	10:52	6	MR. SCHNACK: Are you talking about	11:03
7	A Within the time frame of 1989?	10:52	7	within a judicial investigation or a judicial	11:03
8	Q Yes.	10:52	8	committee?	11:03
9	A There would have been a group of elders	10:52	9	MR. SIMONS: I don't know because I'm	11:03
10	within the service department that would have	10:52	10	asking the open-ended question of, is there a	11:03
11	reviewed this letter. It would have been a	10:52	11	method at all, and presumably that would	11:03
12	collaborative effort. You're talking about the	10:52	12	include judicial investigation or judicial	11:03
13	service department, right?	10:52	13	committee or some other process.	11:03
14	Q I'm talking about within the organization	10:52	14	MR. SCHNACK: Okay. I am going to object	11:03
15	completely?	10:52	15	as vague then.	11:03
16	A Within the organization. Undoubtedly the	10:52	16	To the extent you can answer, go ahead.	11:03
17	legal department would have input into this. It	10:52	17	A I think the key word you said is truth,	11:03
18	would have been approved by a committee of the	10:52	18	can you get at the truth. There certainly is a	11:03
19	governing body.	10:53	19	method in which we endeavor to get at the truth.	11:03
20	Q Has this Body of Elder letter of	10:53	20	Q What method is that?	11:03
21	July 1st, 1989 been revoked?	10:53	21	A You mentioned whenever there is an	11:03
22	A When you say revoked, you mean in total	10:53	22	accusation made against a member of the	11:03
23	or in part?	10:53	23	congregation, that method is that we have an elder,	11:03
24	Q First in total.	10:53	24	two elders, who are asked to hear or at least	11:03
25	A No.	10:53	25	confront the accused with whatever it is he is	11:04
Page 38			Page 40		
1	Allen Shuster		1	Allen Shuster	
2	Q Have parts of it been modified or	10:53	2	accused of, and they hear what he has to say about	11:04
3	revoked?	10:53	3	the matter.	11:04
4	A I would have to review the letter and	10:53	4	Q Assuming the accused denies any sexual	11:04
5	read it to tell.	10:53	5	misconduct with a child, what is the next step in	11:04
6	Q All right, okay.	10:53	6	response to that denial, if there is one?	11:04
7	MR. SCHNACK: Do you want him to do that?	10:53	7	A Yes. In the case of a child, I think we	11:04
8	MR. SIMONS: Yes, I do.	10:53	8	would be very careful as to how we proceed. But	11:04
9	MR. SCHNACK: Go ahead, take your time.	10:54	9	scripturally, the Bible outlines a procedure in	11:04
10	THE WITNESS: The entire letter?	10:54	10	Matthew 18 about, in Matthew, the book of Matthew,	11:04
11	MR. SIMONS: Yes. If you need something	10:54	11	about addressing issues of this nature when there is	11:04
12	to mark the exhibit with to go back and explain	10:54	12	an accusation made against someone, then of course	11:05
13	later what areas you think have been revoked,	10:54	13	he has a right to hear that, and that's why we have	11:05
14	feel free to mark it up, that's okay.	10:54	14	two elders that listen to what he has to say. But	11:05
15	A What was stated then in 1989, some 22	11:01	15	then he has the opportunity or should have the	11:05
16	years ago, I think is essentially the same now.	11:01	16	opportunity to hear what his accuser is saying.	11:05
17	There's maybe one exception. And that's on page	11:01	17	Q And what is the forum in which that	11:05
18	four at the very top, the first sentence, "If the	11:01	18	opportunity is provided?	11:05
19	alleged wrongdoer confesses to the sin or crime, no	11:02	19	A So two elders will sit down with the	11:05
20	one else should be present besides the members of	11:02	20	accuser and hear what he has to say, and then weigh	11:05
21	the committee." Just in addition to that, in the	11:02	21	that testimony. As I mentioned, in the case of a	11:05
22	case of a child, being a minor, likely in most cases	11:02	22	child, we are very careful about proceeding. In	11:05
23	his parent or parents would be present. But other	11:02	23	some cases we will not proceed depending on the	11:05
24	than that, essentially it's the same.	11:02	24	advice that we get from the legal department. I say	11:05
25	Q Okay. In the event that an accused	11:02	25	we, I mean the local elders in a congregation.	11:06
Page 39			Page 41		

11 (Pages 38 to 41)

A508ED2

ALLEN SHUSTER

FEBRUARY 15, 2012

<p>1 Allen Shuster</p> <p>2 Q Is the local elder or are the local 11:06</p> <p>3 elders who receive a report of possible sexual abuse 11:06</p> <p>4 of a child by a congregation member, is the elder or 11:06</p> <p>5 are the elders who receive that report required to 11:06</p> <p>6 make a communication to the legal department 11:06</p> <p>7 immediately notifying them of that report? 11:06</p> <p>8 A Yes, as stated in this letter, there's a 11:06</p> <p>9 request made that they contact the legal department. 11:06</p> <p>10 Of course, as elders, we -- I'm saying "we," I mean 11:06</p> <p>11 I'm an elder in a local congregation, my interest 11:07</p> <p>12 and concern is that of the welfare of the child, 11:07</p> <p>13 making sure that the child is safe, even before we 11:07</p> <p>14 investigate any claims or the validity of a claim of 11:07</p> <p>15 abuse. We do that and maybe even provide comfort 11:07</p> <p>16 and sympathy to the child or parent in an effort to 11:07</p> <p>17 be of spiritual assistance to them. 11:07</p> <p>18 The next thing we are encouraged to do 11:07</p> <p>19 immediately is to call the legal department for 11:07</p> <p>20 legal advice. 11:07</p> <p>21 Q That was the procedure in 1989 after 11:07</p> <p>22 Exhibit 5 was circulated, the Body of Elder letter, 11:07</p> <p>23 and it remains the procedure today; is that 11:07</p> <p>24 accurate? 11:07</p> <p>25 A Yes, as on page three, paragraph one. 11:07</p> <p style="text-align: right;">Page 42</p>	<p>1 Allen Shuster</p> <p>2 of the accused. You say minor, a minor can be from 11:09</p> <p>3 baby to the legal age of maturity. 11:09</p> <p>4 Q So would the question of whether or not 11:09</p> <p>5 the victim can be counted as one of the two 11:09</p> <p>6 witnesses be a subject of the discretion of the 11:10</p> <p>7 elders who conduct the investigation? 11:10</p> <p>8 A Yes. 11:10</p> <p>9 Q Are there any written guidelines or other 11:10</p> <p>10 information provided to elders that you are aware of 11:10</p> <p>11 that helps them determine whether or not a minor who 11:10</p> <p>12 reports sexual abuse may be relied upon as one of 11:10</p> <p>13 the two witnesses? 11:10</p> <p>14 A Am I aware of some guidelines? 11:10</p> <p>15 Q Yes. 11:10</p> <p>16 A Yes. 11:10</p> <p>17 Q What guidelines are you aware of? 11:10</p> <p>18 A I think our letter here in '89 referred 11:10</p> <p>19 to, let me see if I can find it. Yes, on page two, 11:10</p> <p>20 the last paragraph, it says, "Note the KS 77, pages 11:10</p> <p>21 66 and 67; KS 81, pages 160 to 170. Likely within 11:11</p> <p>22 that reference there is a guideline. 11:11</p> <p>23 Q What is the KS referred to? 11:11</p> <p>24 A It's referencing Kingdom Ministry School 11:11</p> <p>25 textbook. 11:11</p> <p style="text-align: right;">Page 44</p>
<p>1 Allen Shuster</p> <p>2 Q Going back to my questions about how is 11:08</p> <p>3 the issue resolved as to whether the accusation is 11:08</p> <p>4 truthful or not, is there a standard by which elders 11:08</p> <p>5 are guided in determining the truthfulness of an 11:08</p> <p>6 accusation of sexual abuse of a child by a 11:08</p> <p>7 congregation member? 11:08</p> <p>8 A Yes. 11:08</p> <p>9 Q What is that standard? 11:08</p> <p>10 A The standard is either a confession which 11:08</p> <p>11 we would accept as will be acceptable to prove 11:08</p> <p>12 guilt, or two witnesses testifying to the fact that 11:08</p> <p>13 they either saw or knew of the accused being engaged 11:08</p> <p>14 in that activity. 11:08</p> <p>15 Q Would one of those witnesses be the 11:09</p> <p>16 victim himself or herself? 11:09</p> <p>17 A Yes. 11:09</p> <p>18 Q If the victim is a minor, are they still 11:09</p> <p>19 competent to be a witness in the situation we're 11:09</p> <p>20 talking about? 11:09</p> <p>21 A When you say competent, can you define 11:09</p> <p>22 competent? 11:09</p> <p>23 Q Yes. If the victim is a minor, is that 11:09</p> <p>24 person still counted as one of the two witnesses? 11:09</p> <p>25 A Well, I think it goes to the credibility 11:09</p> <p style="text-align: right;">Page 43</p>	<p>1 Allen Shuster</p> <p>2 Q Is there a Kingdom Ministry School 11:11</p> <p>3 textbook at present? 11:11</p> <p>4 A Yes. 11:11</p> <p>5 Q And has there been for many years going 11:11</p> <p>6 back to before the date of this July 1st, 1989 11:11</p> <p>7 letter? 11:11</p> <p>8 A Yes. 11:11</p> <p>9 Q What is the Kingdom Ministry School 11:11</p> <p>10 textbook? 11:11</p> <p>11 A It is a publication that is given to 11:11</p> <p>12 elders to help them to provide shepherding and to 11:11</p> <p>13 carry out their duties as elders. 11:12</p> <p>14 Q Are all elders required to attend Kingdom 11:12</p> <p>15 Ministry School at some intervals? 11:12</p> <p>16 A Required? In what sense? 11:12</p> <p>17 Q Are they, as a condition of becoming an 11:12</p> <p>18 elder, required to complete a program of the Kingdom 11:12</p> <p>19 Ministry School? 11:12</p> <p>20 A No. 11:12</p> <p>21 Q Are they, as elders, encouraged to attend 11:12</p> <p>22 Kingdom Ministry School? 11:12</p> <p>23 A Yes. 11:12</p> <p>24 Q Is Kingdom Ministry School an ongoing 11:12</p> <p>25 program where even elders with many years of 11:12</p> <p style="text-align: right;">Page 45</p>

12 (Pages 42 to 45)

A508ED2

ALLEN SHUSTER

FEBRUARY 15, 2012

1	Allen Shuster		1	Allen Shuster	
2	seniority may return again and again for information	11:12	2	Q Correct. When did the Kingdom Ministry	11:16
3	and guidance on how to perform their work?	11:12	3	School first include issues of childhood sexual	11:16
4	A Yes.	11:12	4	abuse in its curriculum?	11:16
5	Q If an elder does not attend Kingdom	11:13	5	A Um-hm? It would be after this letter so	11:16
6	Ministry School, is that a basis for removal from	11:13	6	I would think in the nineties, in the early to mid	11:16
7	their position?	11:13	7	nineties.	11:16
8	A No.	11:13	8	Q In addition to the July 1st, 1989 Body of	11:16
9	Q Is there a program by the service	11:13	9	Elder letter, were other written or printed or	11:16
10	department that keeps track of elders who have	11:13	10	visual materials provided to elders as part of the	11:16
11	attended Kingdom Ministry School and those that have	11:13	11	Kingdom Ministry School on the subject of childhood	11:16
12	not?	11:13	12	sexual abuse?	11:16
13	A No.	11:13	13	A No.	11:16
14	Q Is the Kingdom Ministry School taught	11:13	14	Q We talked about the KS pages that are	11:16
15	only in one location or is it taught in multiple	11:13	15	referenced in Exhibit 5. Is the textbook of the	11:16
16	locations throughout the country?	11:13	16	Kingdom Ministry School provided to the elders who	11:17
17	A Multiple locations.	11:13	17	attend or is it for those who teach only?	11:17
18	Q Is it a program of maybe some two or	11:13	18	A Neither.	11:17
19	three days in length on an average?	11:13	19	Q Neither?	11:17
20	A It varies.	11:13	20	A Yes.	11:17
21	Q From what to what?	11:14	21	Q For whom is the Kingdom Ministry School	11:17
22	A It could be one day, as in the case of	11:14	22	textbook prepared?	11:17
23	ministerial servants. It could be a day and a half,	11:14	23	A For the elders.	11:17
24	perhaps more, in the case of elders.	11:14	24	Q When you say the elders, all elders	11:17
25	Q Do you participate in preparing the	11:14	25	within Jehovah's Witnesses? Which elders are you	11:17
Page 46			Page 48		
1	Allen Shuster		1	Allen Shuster	
2	curriculum of the Kingdom Ministry School?	11:14	2	referring to?	11:17
3	A Yes.	11:14	3	A All elders who are Jehovah's Witnesses.	11:17
4	Q And does that curriculum change, from	11:14	4	Q And upon being accepted as an elder, is	11:17
5	time to time?	11:14	5	each elder provided with a copy of the Kingdom	11:17
6	A Yes.	11:14	6	Ministry School textbook?	11:17
7	Q Are parts of it always the same and parts	11:14	7	A Yes.	11:17
8	of it change?	11:14	8	Q How long a book is that?	11:17
9	A Parts of it are similar.	11:14	9	A Less than one hundred pages, around one	11:17
10	Q And how frequently is the curriculum	11:14	10	hundred pages.	11:18
11	revised?	11:14	11	Q And I assume there are many subject	11:18
12	A It varies between typically two to three	11:14	12	matters addressed in it, one of which would be	11:18
13	years.	11:14	13	issues of childhood sexual abuse?	11:18
14	Q Does the curriculum include teachings on	11:15	14	A That's correct.	11:18
15	the questions of investigation or discipline for	11:15	15	MR. SIMONS: We need to take just a brief	11:18
16	childhood sexual abuse?	11:15	16	break to change the videotape.	11:18
17	A It has in the past.	11:15	17	THE VIDEOGRAPHER: Here marks the end of	11:18
18	Q And when, to your knowledge, did the	11:15	18	videotape one, the time is 11:18. We are going	11:18
19	curriculum first include any matters related to	11:15	19	off the record.	11:18
20	childhood sexual abuse issues?	11:15	20	(Brief recess)	11:31
21	A The schools themselves that were	11:15	21	THE VIDEOGRAPHER: The time is 11:31. We	11:31
22	conducted? Is the question, you're talking about	11:15	22	are back on the record. Here marks the	11:31
23	the schools themselves, when did they first have	11:15	23	beginning of recording two.	11:31
24	part of the curriculum include matters of child	11:15	24	BY MR. SIMONS:	11:31
25	abuse?	11:16	25	Q Mr. Shuster, we were talking about the	11:31
Page 47			Page 49		

13 (Pages 46 to 49)

A508ED2

ALLEN SHUSTER

FEBRUARY 15, 2012

1	Allen Shuster		1	Allen Shuster	
2	policies and procedures of the July 1st, 1989	11:31	2	And so the intent is to administer	11:34
3	letter, and I would like to now go back to Exhibit 4	11:31	3	spiritual assistance to help that one, and if they	11:34
4	if you would be so kind, your Affidavit in this	11:31	4	can be helped, and if they prove that they are	11:34
5	case, and continue on with some other issues	11:31	5	repentant, they have regret for what they have done,	11:34
6	relating to that. So turning --	11:31	6	then it can be deemed by that judicial committee	11:34
7	A Okay.	11:31	7	that they can remain part of the membership of	11:35
8	Q So turning to page five, paragraph	11:31	8	Jehovah's Witnesses, which is regarded as a clean	11:35
9	fifteen, the last sentence, "At times, a judicial	11:31	9	organization. And so if that is the case then, what	11:35
10	committee will determine that an accused congregant	11:32	10	is administered is a reproof, that's the terminology	11:35
11	should be spiritually disciplined internally based	11:32	11	that we use, a reproof, which means again, the use	11:35
12	upon Jehovah's Witnesses' understanding of the	11:32	12	of the Bible, reading various scriptures that in	11:35
13	Bible."	11:32	13	effect reprove that one, or to set that one	11:35
14	By spiritually disciplined internally,	11:32	14	straight.	11:35
15	can you explain to me what you are referring to?	11:32	15	Q In my field as a lawyer we have an agency	11:35
16	A Yes. Well, this has reference to a	11:32	16	called the State Bar which licenses and disciplines	11:35
17	judicial committee that meets with an accused and	11:32	17	lawyers and they have a public reproof and a	11:35
18	either by confession or by the confirmation of two	11:32	18	private reproof. Does Jehovah's Witnesses have	11:35
19	witnesses to prove his, providing enough evidence of	11:32	19	those two categories of reproof?	11:35
20	guilt, then the discipline has reference to the	11:32	20	A Not technically, no.	11:36
21	withholding of certain what we term privilege	11:32	21	Q Are all reprovals public?	11:36
22	responsibility within the congregation.	11:32	22	A No.	11:36
23	It also has reference to scriptural	11:33	23	Q Are all reprovals private?	11:36
24	admonition. The Bible provides, there are many,	11:33	24	A No.	11:36
25	many scriptures that can be used depending on what	11:33	25	Q What determines whether or not a member	11:36
Page 50			Page 52		
1	Allen Shuster		1	Allen Shuster	
2	offense has been committed, as in the case of	11:33	2	who has been the subject of reproof has that	11:36
3	adultery, we mentioned that previously, I mentioned	11:33	3	reproof reported to the congregation?	11:36
4	that previously.	11:33	4	A My apologies, your question one more	11:36
5	First Corinthians, Chapter 6, Verses 9	11:33	5	time? Just to make sure I have it clearly in my	11:36
6	and 10 outline very clearly that the Bible condemns	11:33	6	mind.	11:36
7	that type of activity, and so from that standpoint,	11:33	7	Q Okay. Let me back up and see if we can	11:36
8	from the standpoint of admonition from the Bible,	11:33	8	get to the question more clearly.	11:36
9	scriptural admonition, and from the standpoint of	11:33	9	If a person is disfellowshipped that's	11:36
10	withholding certain privilege from the person within	11:33	10	announced to the congregation, correct?	11:36
11	the organization.	11:33	11	A Yes.	11:36
12	Q Are there specific levels of internal	11:33	12	Q Are reprovals announced to the	11:36
13	discipline by category, in other words?	11:33	13	congregation?	11:36
14	A Yes.	11:33	14	A In some cases.	11:36
15	Q Would disfellowshipping be such a level	11:34	15	Q What kinds of cases are those?	11:36
16	of discipline?	11:34	16	A As in the case of where there is some	11:37
17	A Yes.	11:34	17	threat to other members of the congregation; in the	11:37
18	Q What are the other levels?	11:34	18	case of notoriety among the community. It's for the	11:37
19	A It's, in the case of an individual that	11:34	19	purpose of letting others know that may have become	11:37
20	has confessed to a sin or it's been confirmed that	11:34	20	aware of this conduct that the matter has been	11:37
21	he has or she has committed that sin, then the	11:34	21	addressed, that the one is still repentant, is still	11:37
22	purpose of the judicial committee of course is to	11:34	22	a member of the congregation, and that certain	11:37
23	help, to be of a spiritual assistance to someone who	11:34	23	scriptural reproof has been administered.	11:37
24	has gone astray, according to what the Bible has	11:34	24	So it's for the purpose of protecting	11:37
25	outlined is the proper way to go.	11:34	25	others in the congregation.	11:37
Page 51			Page 53		

14 (Pages 50 to 53)

A508ED2

ALLEN SHUSTER

FEBRUARY 15, 2012

1	Allen Shuster		1	Allen Shuster	
2	Q Who determines whether or not a member	11:37	2	Q When members or publishers go out to	11:41
3	constitutes a continuing threat to engage in unclean	11:37	3	spread the Word to the community at large among	11:41
4	conduct such as sexual abuse of a child?	11:38	4	nonmembers, do they provide to the community, at	11:41
5	A The judicial committee.	11:38	5	least as to persons that are interested, both Awake	11:41
6	Q Does the judicial committee have any	11:38	6	and Watchtower?	11:41
7	written or other stated guidelines for making that	11:38	7	A Yes, both awake and Watchtower and other	11:41
8	determination which are provided to it from the	11:38	8	publications.	11:41
9	service department?	11:38	9	Q So am I correct in saying neither Awake	11:41
10	A That's a little vague question.	11:38	10	nor Watchtower are published exclusively for the	11:41
11	Q Let me rephrase it. How does the	11:38	11	membership of Jehovah's Witnesses but are directed	11:41
12	judicial committee make the determination as to	11:38	12	towards the larger community as well?	11:41
13	whether or not the individual constitutes a	11:38	13	A The Watchtower, about three years ago	11:42
14	continuing threat?	11:38	14	was, there's two publications, there's the public	11:42
15	A How do they determine it?	11:38	15	edition of the Watchtower and now there is a study	11:42
16	Q Yes, by what standard or guidelines or	11:38	16	copy, a study edition of the Watchtower, and the	11:42
17	criteria?	11:39	17	study edition of the Watchtower is designed	11:42
18	A By guidelines, standards and criteria	11:39	18	specifically for the membership.	11:42
19	that have been given to them by the organization,	11:39	19	Q And that's a more recent development?	11:42
20	Jehovah's Witnesses' organization. We referenced	11:39	20	A Yes.	11:42
21	earlier the KS textbooks, that primarily. There is	11:39	21	Q If we look back to the 1990s would we	11:42
22	also information in a publication that's available	11:39	22	have what is now the equivalent of the public	11:42
23	to all of Jehovah's Witnesses, not just elders, it's	11:39	23	Watchtower and Awake both being distributed for use	11:42
24	called Organized to Do Jehovah's Will, that	11:39	24	of members and to the public at large?	11:42
25	publication.	11:39	25	A Yes.	11:42
Page 54			Page 56		
1	Allen Shuster		1	Allen Shuster	
2	Various magazines that we have published	11:39	2	Q Going back to the question of internal	11:43
3	in the past over the years, Watchtower and Awake	11:39	3	disciplines, would one level of internal discipline	11:43
4	Magazine outline certain guidelines in that setting.	11:39	4	include the removal of a member from a position that	11:43
5	Q Let me ask you a question that may seem	11:39	5	they may hold within the congregation?	11:43
6	somewhat silly to you, but what is the difference in	11:39	6	A That's correct.	11:43
7	purpose between the Awake Magazine and Watchtower	11:39	7	Q For example, the removal of a ministerial	11:43
8	Magazine?	11:39	8	servant from his position would be an internal	11:43
9	A The Watchtower Magazine is a magazine	11:39	9	discipline that would be appropriate for certain	11:43
10	that deals a lot with prophecy, Bible prophecy, and	11:40	10	kinds of misconduct; is that correct?	11:43
11	world events, and how these world events that we see	11:40	11	A That's correct.	11:43
12	happening today are really part of a prophetic sign	11:40	12	Q Have you reviewed any of the materials or	11:43
13	as to the times we are living in. And so the name	11:40	13	information or records relating to Jonathan	11:43
14	Watchtower is taken from, as if a sentry were	11:40	14	Kendrick?	11:43
15	standing out in the wilderness on top of a tower	11:40	15	A Yes, I have.	11:43
16	overlooking a panoramic view and he can see far in	11:40	16	Q What have you reviewed with regard to	11:43
17	advance these events, what is coming his way, that's	11:40	17	Jonathan Kendrick?	11:43
18	the idea behind the Watchtower.	11:40	18	A The information that was provided in the	11:43
19	The Awake Magazine is more designed	11:40	19	Notice from you.	11:43
20	towards the public in general and articles of	11:40	20	Q Do you have a specific recollection as to	11:43
21	interest on creation, history, geography. They both	11:40	21	what documents that involved?	11:43
22	have a printing of over 42 million copies.	11:40	22	A It would have been — is it the	11:44
23	Watchtower is in 194 languages and the Awake is in	11:41	23	December 3, 1993 letter from the branch office to	11:44
24	84 languages, so it's worldwide, both of them have	11:41	24	the Body of Elders where Jonathan Kendrick was at	11:44
25	worldwide distribution.	11:41	25	the time.	11:44
Page 55			Page 57		

15 (Pages 54 to 57)

A508ED2

ALLEN SHUSTER

FEBRUARY 15, 2012

1	Allen Shuster		1	Allen Shuster	
2	Q Any other documents?	11:44	2	established that elders abide by?	11:47
3	A All of the supporting documents that were	11:44	3	Q Is the policy that no discipline is	11:47
4	in that Notice.	11:44	4	warranted in the absence of either two witnesses,	11:47
5	Q Do you recall any of those specifically?	11:44	5	two credible witnesses or a confession, is that	11:47
6	A The letter from the Body of Elders that I	11:44	6	policy one that is approved by the governing body?	11:48
7	believe is the North Fremont Congregation, that	11:44	7	A Yes.	11:48
8	correspondence. There is also some correspondence	11:44	8	Q You mentioned the Watchtower now being	11:48
9	in that Notice from the Oakley Congregation that I	11:44	9	utilized in certain study committees. Am I correct	11:48
10	believe is some years after 1993.	11:44	10	that there are various kinds of regular meetings and	11:48
11	Q We talked about disfellowship and reproof	11:44	11	study sessions that congregations hold within	11:48
12	and removal. Are there any other levels of	11:45	12	Jehovah's Witnesses?	11:48
13	discipline which may be imposed internally for	11:45	13	A Yes, we do.	11:48
14	misconduct by a congregant?	11:45	14	Q Are there regular meetings held by	11:48
15	A I think I mentioned earlier that	11:45	15	congregations at the Kingdom Halls?	11:48
16	withholding of certain privileges within the	11:45	16	A Yes.	11:48
17	congregation that we would regard as an exemplary	11:45	17	Q And how frequently would regular sessions	11:48
18	privilege that one would have to conduct himself in	11:45	18	at the Kingdom Hall be held in most congregations,	11:48
19	a certain way to merit having that privilege, for	11:45	19	at least in your knowledge and experience?	11:49
20	example, passing microphones in the congregation,	11:45	20	A You mean meetings that a congregation	11:49
21	handling the stage, things of that nature.	11:45	21	would have as opposed to meetings that Kingdom Hall	11:49
22	Q Is there a general title for which the	11:45	22	would have?	11:49
23	disciplines of withholding privileges might fall?	11:45	23	Q Yes.	11:49
24	A No.	11:45	24	A Yes, a congregation typically would have	11:49
25	Q It would be a case by case specific	11:45	25	two meetings a week, one during mid week and	11:49
Page 58			Page 60		
1	Allen Shuster		1	Allen Shuster	
2	instruction, if you will, from the local Body of	11:46	2	typically one on the weekend.	11:49
3	Elders to the congregant?	11:46	3	Q And do each of these meetings have a	11:49
4	A That's correct.	11:46	4	different purpose or is the purpose the same?	11:49
5	Q In the future, you are not allowed to	11:46	5	A Different purpose.	11:49
6	engage in this activity or receive this privilege?	11:46	6	Q What are the purposes of the two meetings	11:49
7	A It could be by communication. Often it	11:46	7	in the mid week and the weekend meetings?	11:49
8	is, but it could be just by the nature of the	11:46	8	A Well, both are open to the public so	11:49
9	offense and in some cases the announcement that is	11:46	9	anyone is invited to attend these meetings. The mid	11:49
10	made, it's obvious that there's no need to	11:46	10	week meeting is made up of three different types of	11:49
11	communicate that lack of privilege to that person.	11:46	11	meetings: One is called the Congregation Bible	11:49
12	Q For all of the different levels of	11:46	12	Study and there is a publication that Jehovah's	11:49
13	discipline that we have been discussing, from	11:46	13	Witnesses use, it varies from year to year, that is	11:49
14	disfellowship down to the most minor level, are any	11:46	14	considered for 25 minutes or half hour; and then we	11:50
15	of these levels of discipline warranted in the	11:46	15	have what is called a Theocratic Ministry School	11:50
16	absence of either a confession of misconduct or the	11:46	16	that helps to train the congregants as to how to	11:50
17	evidence of two credible witnesses?	11:46	17	perform public speaking or public reading, speaking	11:50
18	A No.	11:47	18	to others about the Bible.	11:50
19	Q Has that been the policy for as many	11:47	19	And then the last part of the meeting is	11:50
20	years as you have been an elder in the service of	11:47	20	called a service meeting, and information from a	11:50
21	Jehovah's Witnesses?	11:47	21	periodical called Our kingdom Ministry is reviewed,	11:50
22	A Yes.	11:47	22	and again, having to do with the ministry. That's	11:50
23	Q And is the source of that policy	11:47	23	what Jehovah's Witnesses do, is we speak to others	11:50
24	ultimately found in the governing body?	11:47	24	about God and bear witness about him and tell others	11:50
25	A You mean the policy that's been	11:47	25	about what we consider to be good news from the	11:51
Page 59			Page 61		

16 (Pages 58 to 61)

A508ED2

ALLEN SHUSTER

FEBRUARY 15, 2012

1	Allen Shuster		1	Allen Shuster	
2	across some tools that a homeowner may have left out	02:24	2	Q What was the predecessor in terms of	02:27
3	in the driveway and is seen to take a tool or to put	02:24	3	function, to the branch committee?	02:28
4	them in his pocket or jacket or something and leave	02:24	4	A Prior to the branch committee, which was	02:28
5	with it, that's a theft, correct?	02:24	5	formed in 2001, the Bethel Operations, that is, the	02:28
6	A Okay.	02:24	6	operations of the three complexes that make up not	02:28
7	Q In such a situation of what we will call	02:24	7	only the world headquarters but also the	02:28
8	a petty theft, is that something that falls under	02:24	8	headquarters for United States branch facilities as	02:28
9	the doctrine of uncleanness?	02:24	9	well as the field operations, were separated; there	02:28
10	A Uncleanness, I don't know that it would	02:25	10	were two separate entities that cared for those	02:28
11	necessarily fall in that category. It would fall	02:25	11	functions.	02:28
12	more into the category of theft. Uncleanness has	02:25	12	Q We talked about the branch committee	02:28
13	more to do with physical and sexual in nature.	02:25	13	guidelines, the published guidelines and the	02:28
14	Q All right. That is very helpful, I	02:25	14	handbook so to speak. Was there a predecessor of	02:28
15	appreciate it. I apologize if some of my questions	02:25	15	similar type before 2001 when the branch committee	02:29
16	seem very basic, but there are many philosophical	02:25	16	was formed?	02:29
17	and other views of things that are part of your	02:25	17	A The branch organization is what you are	02:29
18	daily world for many years that are all new to me,	02:25	18	referring to, has been in existence prior to the	02:29
19	so --	02:26	19	formation of the U.S. branch committee.	02:29
20	A I understand.	02:26	20	Q So did the branch organization have a	02:29
21	(August 1, 1995 Letter To All Bodies	02:26	21	handbook or guidelines prior to 2001?	02:29
22	of Elders in the United States was marked	02:26	22	A I'm sure that there was some guideline	02:29
23	as Deposition Exhibit 9 for	02:26	23	that they went by. I don't know that there was an	02:29
24	identification.)	02:26	24	official document, maybe more just internal	02:29
25	Q We have marked as Exhibit 9 a letter	02:26	25	communications or perhaps some memoranda that gave	02:29
Page 106			Page 108		
1	Allen Shuster		1	Allen Shuster	
2	dated August 1, 1995 (handing). Have you seen this	02:26	2	them some structure.	02:29
3	in the past?	02:26	3	Q Who if anyone would have been required to	02:29
4	A Yes, I have.	02:26	4	approve the content of articles in the Awake before	02:29
5	Q Were you involved in the preparation of	02:26	5	they were published? This is back in '85 and '93	02:30
6	this Body of Elders letter prior to its	02:26	6	and that time period.	02:30
7	dissemination?	02:26	7	A It would be individuals that work in our	02:30
8	A I can't say for certainty. There's a	02:26	8	writing department.	02:30
9	good chance that I was.	02:26	9	Q Were articles on the subject matter of	02:30
10	Q Was this Body of Elders letter approved	02:26	10	protecting children from sexual abuse subject to	02:30
11	by either a committee of or the entire governing	02:26	11	approval from anyone other than persons in the	02:30
12	body prior to its circulation?	02:27	12	writing committee back in the time frame that we're	02:30
13	A Yes.	02:27	13	talking about, '85 to '93, as to the articles?	02:30
14	Q There are references in this letter to	02:27	14	MR. SCHNACK: You mean the writing	02:30
15	various Awake articles in 1985 and 1993, this is in	02:27	15	department.	02:30
16	the third paragraph. Are articles that are	02:27	16	MR. SIMONS: Writing department, thank	02:30
17	published in Awake reviewed in advance by persons in	02:27	17	you.	02:30
18	the branch committee?	02:27	18	A I know on occasion that the writing	02:30
19	MR. SCHNACK: I'm going to object to the	02:27	19	committee would send, writing department that is,	02:30
20	form of the question. The branch committee	02:27	20	they would send articles to others outside the	02:30
21	wasn't in existence at the time that letter was	02:27	21	writing department for their purview.	02:31
22	drafted.	02:27	22	Q Would an article setting forth a policy	02:31
23	MR. SIMONS: All right.	02:27	23	on something such as childhood sexual abuse such as	02:31
24	MR. SCHNACK: Is that correct?	02:27	24	the January 22, 1985 article in Awake have been	02:31
25	THE WITNESS: That's correct.	02:27	25	reviewed and approved by the governing body or a	02:31
Page 107			Page 109		

28 (Pages 106 to 109)

A508ED2

ALLEN SHUSTER

FEBRUARY 15, 2012

<p>1 Allen Shuster</p> <p>2 committee of the governing body prior to its 02:31</p> <p>3 publication? 02:31</p> <p>4 A My understanding is that they would. 02:31</p> <p>5 Q What is that understanding based on? 02:31</p> <p>6 A Whether all of the members of the then 02:31</p> <p>7 existing governing body would review articles from 02:31</p> <p>8 the Awake or the Watchtower, I can't say for 02:31</p> <p>9 certainty. But what I do say for certainty is that 02:31</p> <p>10 some members of the governing body would review it, 02:31</p> <p>11 yes. 02:31</p> <p>12 Q What is your understanding based on? 02:31</p> <p>13 A Based on my knowledge. 02:32</p> <p>14 Q Your last answer was that you just 02:33</p> <p>15 understand it. Can you tell me a little bit more 02:33</p> <p>16 about how you acquired the knowledge of the 02:33</p> <p>17 governing body's role in terms of approval of Awake 02:33</p> <p>18 policy articles or Watchtower policy articles? 02:33</p> <p>19 A I just know that the writing department, 02:33</p> <p>20 it's directly overseen by the writing committee of 02:33</p> <p>21 the governing body, and that there have been members 02:33</p> <p>22 in the past of the governing body who are in the 02:33</p> <p>23 writing, on the writing committee, and also work in 02:33</p> <p>24 the writing department. And I know the process 02:33</p> <p>25 that's reviewed by a number of writers, and it's 02:33</p> <p style="text-align: right;">Page 110</p>	<p>1 Allen Shuster</p> <p>2 the governing body, that's my question. Is that an 02:35</p> <p>3 accurate statement? 02:35</p> <p>4 A That is an accurate statement, yes. 02:35</p> <p>5 MR. SCHNACK: Is this a good time for a 02:35</p> <p>6 short break? 02:35</p> <p>7 MR. SIMONS: Yes. 02:35</p> <p>8 MR. SCHNACK: Let's go off the record. 02:35</p> <p>9 THE VIDEOGRAPHER: It is now 2:36. We 02:35</p> <p>10 are going off the record. 02:35</p> <p>11 (Brief recess) 02:54</p> <p>12 THE VIDEOGRAPHER: We are back on the 02:54</p> <p>13 record. The time is 2:54. 02:54</p> <p>14 BY MR. SIMONS: 02:54</p> <p>15 Q Is there now a service committee? 02:54</p> <p>16 A There is a service committee, yes. 02:54</p> <p>17 Q Was that formed in 2001 when the branch 02:54</p> <p>18 committees were set up? 02:54</p> <p>19 A No. 02:54</p> <p>20 Q Did it pre-exist 2001? 02:54</p> <p>21 A Yes, it did. 02:54</p> <p>22 Q Has there been a service committee for as 02:54</p> <p>23 many years as you have been an elder? 02:54</p> <p>24 A Yes, there has. 02:54</p> <p>25 Q Are members of the governing body, any 02:54</p> <p style="text-align: right;">Page 112</p>
<p>1 Allen Shuster</p> <p>2 been the policy of at least a few members of the 02:33</p> <p>3 governing body reviewing anything from the 02:33</p> <p>4 Watchtower and Awake that is published. 02:33</p> <p>5 Q Have you ever authored an article that 02:34</p> <p>6 was published in Watchtower or Awake? 02:34</p> <p>7 A I have not. 02:34</p> <p>8 Q Is the role of the governing body to set 02:34</p> <p>9 both spiritual and administrative policies of all of 02:34</p> <p>10 the Jehovah's Witnesses' corporations and entities? 02:34</p> <p>11 MR. SCHNACK: I object to the form of the 02:34</p> <p>12 question. I'm not sure what you mean by 02:34</p> <p>13 administrative policies. 02:34</p> <p>14 You can respond, if you can. 02:34</p> <p>15 A I guess I would have to know a little bit 02:34</p> <p>16 more about the question. On a high level, review, 02:34</p> <p>17 the governing body does establish policies. The 02:34</p> <p>18 other aspect of your question? 02:34</p> <p>19 Q My question is perhaps a little unclear, 02:34</p> <p>20 but as to policies and procedures that we have been 02:34</p> <p>21 discussing, for example, the confession or 02:35</p> <p>22 two-witness standard in terms of accusations being 02:35</p> <p>23 proven to be true, are these policies, no matter 02:35</p> <p>24 which corporation or entity within the organization 02:35</p> <p>25 is enforcing them, these are policies that come from 02:35</p> <p style="text-align: right;">Page 111</p>	<p>1 Allen Shuster</p> <p>2 members of the governing body, on the service 02:54</p> <p>3 committee? 02:54</p> <p>4 A Yes, there are. 02:54</p> <p>5 Q How many members total are there in the 02:54</p> <p>6 service committee? 02:54</p> <p>7 A On the service committee, let's see, at 02:55</p> <p>8 least four. 02:55</p> <p>9 Q And how many members of the service 02:55</p> <p>10 committee are members of the governing body? 02:55</p> <p>11 A All of them. 02:55</p> <p>12 Q When a congregation member is found 02:55</p> <p>13 either by two witnesses or by confession or by both 02:55</p> <p>14 to have committed sexual abuse of a child, does the 02:55</p> <p>15 local congregation elders have the option to ban 02:55</p> <p>16 that individual from field service? 02:56</p> <p>17 A The elders have the responsibility to 02:56</p> <p>18 protect children from that perpetrator, yes, to ban 02:56</p> <p>19 them from the individual ministry that they have. 02:56</p> <p>20 I think all of us as Christians, as 02:56</p> <p>21 Jehovah's Witnesses, have an obligation to bear 02:56</p> <p>22 witness about God, that's who we are, we are 02:56</p> <p>23 Jehovah's Witnesses. So what he would have, his 02:56</p> <p>24 personal responsibility is up to him in witnessing, 02:56</p> <p>25 but if he were to engage in public ministry with 02:56</p> <p style="text-align: right;">Page 113</p>

29 (Pages 110 to 113)